UNITED
NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/46/584
S/23156
21 October 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 45
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-sixth year

Letter dated 21 October 1991 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter addressed to you by His Excellency Mr. I. Safa Giray, Minister for Foreign Affairs of the Republic of Turkey, which, in the light of the Government of Turkey's position on Cyprus, clarifies various elements of resolution 716 (1991) adopted by the Security Council on 11 October 1991 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Letter dated 21 October 1991 from the Minister for Foreign Affairs of Turkey to the Secretary-General

Following the adoption of Security Council resolution 716 (1991), I wish to reaffirm the Turkish Government's position on Cyprus and to clarify in this light our understanding of the various elements in that resolution.

Concerning resolution 716 (1991) you will understand that we have certain well-founded reservations and objections emanating from our long-standing views on Cyprus and our status as a guarantor Power. Similarly, we also find elements in resolution 716 (1991) that are positive. I wish to put these on record with a view to bringing into proper perspective the dimensions of the solution being sought under the good offices mission of the Secretary-General. It is on this basis that our contributions are made to the search for a freely negotiated and mutually acceptable settlement between the two parties in the island.

First of all, we wish to believe that in adopting a new resolution on Cyprus at this stage, it was not the intention of the Council to drift back from the basis it had established in resolution 649 (1990), and that resolution 716 (1991), in general, is a reiteration, and certainly not a contradiction, of the basic principles and concepts, including bicommunality, bizonality and political equality, on which an agreement should be built.

We take note of the fact that the political equality of the two communities has for the first time been unequivocally recognized and affirmed in a Security Council resolution, not only at the negotiating table, but also as a founding principle of a new partnership in Cyprus.

We also note that the Security Council has reaffirmed that the good offices mission of the Secretary-General is with the two communities. This is a point of paramount importance. The two leaders are negotiating from a status of equality on behalf of their respective communities over and above whom there is no joint political authority. It is, therefore, misleading and a serious contradiction to attempt to introduce titles which have no place in these efforts. We wish to underline that a process with the two communities signals the heightened need for direct contacts between the two parties in the island. There can be no justification to evade this need.

We further note that the Security Council has pronounced itself favourably on the Turkish proposal for a quadripartite high-level meeting by considering it as an effective mechanism for concluding an overall framework agreement on Cyprus. As clarified by the Secretary-General's report, the parties have agreed that the preparation of an agreement should be essentially completed to the satisfaction of both sides before such a high-level meeting can be convened. Therefore, what really matters is not arbitrary deadlines, but a voluntary agreement between the two parties in Cyprus, which the two

leaders can sincerely adhere to and present in good conscience to their respective communities for approval through separate referenda.

The reference to the well-being and security of the two communities is also significant.

Resolution 716 (1991) contains, on the other hand, elements which require clarification to preclude any misinterpretation of its provisions.

Turkey has given consistent and sincere support to the Secretary-General's mission of good offices, as acknowledged in his reports to the Security Council, including the latest report dated 8 October 1991. This being the clear fact, we cannot but take exception to certain characterizations and portrayals in this report that are not compatible with the mission of good offices and that do not reflect the factual situation. We have, therefore, already indicated our reaction to such elements in the report through an official statement on 9 October 1991. To recapitulate, our objections centre around the following three main points:

First, the Turkish Cypriot and Greek Cypriot leaders have been attributed different and discriminatory titles contrary to the accepted and established basis that they are negotiating on an equal footing. This is inconsistant and in contradiction with the terms of the mission of good offices.

Second, sovereignty, independence and territorial integrity of Cyprus are attributed to a "republic" which does not exist as a bicommunally joint political authority for the past 28 years, but denotes the Greek Cypriot administration in south Cyprus, which has been unlawfully usurping titles that do not belong to it. Such an approach is in deep conflict with the bicommunal basis of the independence of the island emanating from the 1960 agreements, as well as with the objective of a new joint, bicommunal, bizonal federal state. Turkey and the Turkish Cypriot side have never accepted illegitimate claims of Greek sovereignty over Cyprus or one state under Greek domination in the island. This is not how a new joint state and a joint administration can be created in Cyprus.

Third, the authors of the report claim that,

(a) a new concept has been introduced,

(b) which alters the nature of the envisaged solution.

This claim is not factual on both accounts. The concepts and principles defended by the Turkish Cypriot side are precisely the same as those when Cyprus became a bicommunally independent state and the same as those they have stood for in the past 28 years. In Cyprus, neither community has or can legitimately claim sovereignty over the other. That is, in Cyprus sovereignty emanates equally from the two communities. It is not under the monopoly of one side or the other and there is no joint political authority competent to exercise sovereignty over the entire island. The legal basis on which the two

sides must approach the negotiations is that of equality of status and in particular the possession of sovereignty in equal degree. This will not alter the nature of the envisaged solution. On the contrary, it has long been agreed that the eventual division of powers between the federal government and the government of the two federated republics will not represent a grant of powers by the federal government to the federated republics, nor will it involve any grant of powers by the Greek Cypriot community to the Turkish Cypriot community. The agreed basis is a federal solution, which rests upon and acknowledges that the delegation of powers is by the two communities and their federated republics to the federal government and that any and all residual powers shall rest with the two federated republics.

With respect to paragraph 2 of resolution 716 (1991), we wish to draw attention to our positions as already expressed on each previous Security Council resolution on Cyprus. There is an objective distinction between resolution 649 (1990) and others in terms of their relevance to a fair and freely negotiated settlement.

The reference to the "Republic of Cyprus" in paragraph 3 is out of context in terms of a Cyprus settlement for which no benefit can be derived from the use of such contentious nomenclature. We understand that the intention in this paragraph is to look forward and not to describe a fictional status quo, but the fact that the Greek Cypriot community in South Cyprus has continued to claim to be operating under this usurped title precludes its use to describe the features of a federal state to be established in the future. The Government of Turkey has never recognized exclusive Greek Cypriot sovereignty over Cyprus nor the existence of one state under such sovereignty. Our position on sovereignty and its sources in Cyprus are on record.

A brief comment is called for on "the establishment of a new constitutional arrangement for Cyprus" in view of certain misleading interpretations originating from the Greek Cypriot side purporting that a solution will emerge through the "amendment of the constitution". This misrepresentation debilitates all efforts for a settlement. Because the Greek Cypriot side has so completely destroyed the 1960 constitutional order, the world knows that the present situation is beyond repair and the objective is to negotiate a new partnership and a new joint constitutional order along federal lines with safeguards that will not transform the political dispute between the two sides into an active conflict once again.

The term "one State of Cyprus" in paragraph 4 is a reference to the federal solution being sought and pertains to the future when the two constituent entities will create a joint state and a joint government in federal form. It should be clear that this terminology cannot be abused to claim the existence of one state at present or to distort the nature of the settlement as anything but a federal solution.

We understand paragraph 5 as an expression of the need for the two sides to adhere to the established parameters of a settlement in Cyprus, which is a

constant concern of the Turkish Cypriot side in view of the arbitrary Greek Cypriot claims designed to distort both the nature of the problem in Cyprus and the political solution required to resolve this problem. The Turkish Cypriot side is striving to protect and preserve its legitimate rights and interests that date back to the birth of an independent state on the bicommunal island of Cyprus through international and bicommunal agreements. These rights and interests, despite the tribulations of the past 28 years, remain sacrosanct and outside the realm of arbitrary interpretations or restrictions.

The Security Council has noted with satisfaction the progress made in preparing a set of ideas as a basis for arriving at an agreed overall framework agreement on Cyprus. Clearly, we owe this progress to the constructive inputs of the Turkish Cypriots as only they have been engaged in substantial contacts and discussions with the United Nations Secretariat over the past year. But in the present circumstances and in view of the deep differences that persist, if any further progress is to be made, we consider it essential that the Turkish Cypriot and Greek Cypriot sides begin direct discussions with the purpose of ascertaining for themselves the points of coincidence as well as narrowing down the differences that remain.

We intend to maintain our constructive stand. It goes without saying, however, that following the elections in Turkey, the new Government will review the situation and chart its own course in Cyprus. I am sure that the outcome of direct talks between the two peoples of the island will to a large extent determine what further contributions Turkey can make towards a settlement in Cyprus.

Past experience invariably tells us that imposing artificial deadlines in Cyprus is counter-productive. While we agree that we must set certain goals, imposed calendars cannot and should not be allowed to take precedence over the vital necessity to permit the negotiating parties to do so freely and in an atmosphere of confidence, untainted by outside pressures and interventions. Otherwise, the outcome would be unhealthy and invite more problems than it solves.

Our understanding of paragraph 10 is based on our perception of the Secretary-General's mission of good offices. That mission is the only procedure accepted by the two parties. The reason for this is that it is the sole method that is based on respect for the principle of equality and one that gives the two parties the opportunity to search for a solution with their own free will, which no one can override or disregard. The Government of Turkey can therefore only concur with any action that is consistent with and supportive of the mission of good offices.

Our principal concern at this stage is that the new Security Council resolution will be abused by the Greek Cypriot side as a pretext for persisting in their intransigent claims and for making attempts to distort the essence of the solution being sought in Cyprus. The period ahead requires utmost fairness and impartiality from all concerned. To the extent these

essentials are restored in the search for a fair and durable settlement in Cyprus, Turkey will do its share and continue to support the Turkish Cypriot side in its quest for the same objective. The constructive stand of Turkey is on record.

I. Safa GIRAY
Minister for Foreign Affairs
of Turkey